The
REPORTER
For Conscience' Sake

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ROTC Policy Changed at University of Maryland

With the current semester at the University of Maryland came some welcome policy shifts. The Board of Regents in a meeting on January 29, 1960, approved a number of recommended changes in the basic Air Force Reserve Officer Training Corps requirements at the school.

The newly adopted plan allows students over 24 years of age, physically handicapped students, and transfer students at the junior level to choose whether to begin (or continue) the basic AFROTC program. Using eight semester hours of academic credit as an equivalent, the intent of the plan is to give such students an alternative to basic ROTC.

Alternative courses are to be in the American Civilization Program, preferably in history, government and politics, and English. It is expected that the courses used as options will advance the same citizenship education purpose as is associated with basic AFROTC. Courses will need the approval of the dean of the school from which the student intends to graduate.

Perhaps of greatest interest to our readers is the provision that conscientious objectors may exercise the eight-semester-hour-equivalent option. The criterion for determining CO status shall be the same as that used in administering the Selective Service Act. However, minors must obtain the signature of their parents to exercise this alternative. If a conscientious objector qualifies as over-age, handicapped, or as a transfer student, he may give precedence to this other category.

A foreign student here on an immigrant visa also must participate in the basic AFROTC program, unless he qualifies for one of the alternatives. Copies of the University memorandum on the changes are available from the NSBRO.

Point Four Youth Corps Seen as Draft Alternative

A proposed amendment to the Mutual Security Act of 1954 would "offer our young people an opportunity to serve their country in a stimulating way, while broadening their understanding of the problems facing other peoples and nations, and thereby helping them better to understand American policies and purposes abroad," according to the language of the bill. Submitted in January by Congressman Henry S. Reuss, Democrat of Milwaukee, Wisconsin, H. R. 9638 calls for a study of the feasibility of such a program to be called the Point Four Youth Corps.

This study, to be conducted by a private foundation or university and at no expense to the government, has several other stated objectives. One is "to make additional technical manpower available to the United States agencies and to private agencies carrying out economic, medical, educational, and community development programs in underdeveloped countries."

Another objective is "to assist in broadening the understanding by the peoples of other nations of the ideals and aspirations of Americans, through close contact with young Americans participating in the Point Four Youth Corps."

An identical measure (S. 2908) was submitted in the Senate by Senator Richard L. Neuberger on January 26. The Reuss bill was introduced on January 14, together with a preliminary study made by the Legislative Reference Service, Foreign Affairs Division.

Among the issues to be studied is whether or not service in the Corps should satisfy the obligations of individuals to perform military duty, or in other words, be a form of alternative service. The manner of training and selection of personnel, ways in which private organizations

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Recent Court Cases Involving CO's

BJORSON v. U. S., Cir. 9, 272 F2d 244, decided November 18, 1959. Clark A. Barrett, Esq., San Francisco, was defense counsel. On August 7, 1958, Dean Ejuard Bjorson was convicted for the second time, when he was 28 years of age, and given a one-year sentence for failure to report for I-W work. The sequence of events is interesting:

1950- (May 2) At age 18, registered with local board.
1951- (May 11) Notified board he was attending Albany (Calif.) Theocratic Ministry School, and asked for IV-D.
- Classified I-A after FBI investigation.
1952- Reclassified IV-F.
1953- Reclassified I-A. Refused induction.
1954- (Mar. 9) Convicted and sentenced to pay $2,000 fine and given two-year suspended sentence.
- (Mar.) Commenced serving two-year term when he did not pay the fine.
- (Apr. 13) Reclassified IV-F while in prison.
1955- (Feb. 27) Released on parole.
1956- Waiver of Felony by Armed Services.
- (Aug. 21) Reclassified I-A.
- (Sept. 11) Personal appearance, all testimony related to ministry. Reclassified I-O.
- Appeal, claiming IV-D.
- Dept. of Justice recommended I-O.
1957- (July 18) Reclassified I-O.
- (Oct. 9) Refused to report for I-W work.
1958- (Aug. 7) Tried and convicted.
- (Oct. 15) Sentenced to one year.

The 9th Circuit Court of Appeals sustained the trial court's conviction and sentence on the following grounds: (1) By failing to report for civilian work, and there refusing, Bjorson had failed to "exhaust his administrative remedies" and hence had no standing to defend himself in Court. (2) The IV-F class on conviction of a felony is not created for the benefit of the Registrant Felon but for the benefit of the Armed Services. (At somebody's request, the Armed Services had signed a waiver on the first conviction.) (3) The waiver by the Armed Services covers civilian work also.

It is difficult to understand why Bjorson was eligible for I-O the second time around but not the first. It is also manifest that the Armed Services waiver was at the instigation of the Selective Service System, for the purpose of prosecution.

HOWZE v. U. S., Cir. 9, 272 F2d 146, decided November 19, 1959. Rehearing denied December 28, 1959. J. B. Tietz, Esq., defense counsel, claimed that Burl Melton Howze should be acquitted on three grounds: (a) He should have been declared an essential farm worker and given II-C; (b) the proof did not conform to the charge; and (c) the order by the local board for Howze to perform civilian work is unconstitutional. In affirming the sentence of Howze, the Court of Appeals brushed aside the first two points raised, and had the following to say about the third ground: "The appellant also urges that the 13th Amendment to the Constitution prohibits a civilian labor draft in peacetime, absent a national emergency. He mis-states the case. Compulsory civilian labor does not stand alone, but is the alternative to compulsory military service. It is not a punishment, but is instead a means of preserving discipline and morale in the armed services. The power of Congress to raise armies, and to take effective measures to preserve their efficiency, is not limited by either the 13th Amendment, or the absence of military emergency. See e.g. U. S. v. Hoepker, 7 Cir., 223 F2d 921, cert. denied 350 US 841."

CO Recognized by Dutch CD Policy

Although in the Netherlands laws and regulations on civil defense participation have been in effect for about ten years, it was not necessary until last year to enforce civil conscription for these purposes. Volunteers had filled the

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ranks. However, in January 1959, army reservists were called into this service.

At first there were some protests, but mayors and civil defense officials countered that this duty had nothing to do with war or militarism and was completely civilian in nature.

This explanation did not satisfy Krijn Buizer. He had done his military duty in bad conscience and later decided he was a pacifist. When called by the mayor of his town to act as a "Fire-watcher," Buizer refused to cooperate on the ground that civil defense is in fact as much a part of the military as the army. He asked the mayor for exemption. The mayor refused. Buizer appealed to the governor of the province; his appeal was rejected.

The law on conscientious objection to military duty, on the books since 1932, makes no provision for CO's in situations such as Buizer's. A final appeal was sent to the Queen, attempting to show the strong military ties of civil defense work. Within two weeks the answer came. A general Royal Decree of August 14, 1959, provided that registered conscientious objectors cannot be registered for, or called into civil defense

Youth Corps, Cont'd.

could cooperate with the plan, optimum size of the Corps, and the types of work to be performed are all questions to be dealt with by the study.

Some of the projected types of work are to show villagers how to dig a better well or build schools, teach English, instruct in sanitary procedures or mechanics, plant and test new types of crops, demonstrate to farmers how to inoculate against diseases, help to clear away underbrush and dense forests to increase land available for cultivation, and assist in resettlement of refugees from flood, famine or communism. However, it is pointed out, such persons should not do jobs that could be done as well by unskilled native labor.

Information for this proposed legislation has evidently come largely from the experience of an existing organization, International Voluntary Service, which for a number of years has carried on the type of work described. It is interesting to note too that work quite similar in nature has been done by conscientious objectors in many countries abroad, largely through the American Friends Service Committee, the Brethren Service Commission, and the Mennonite Central Committee.

The proposal met with immediate favorable response from many parts of the country and from labor leaders, doctors, professors, parents and youth. A reprint from the "Congressional Record" including the text of the bill, the Congressman's introductory remarks, and sample comments is available from the office of Congressman Henry S. Reuss, House of Representatives Office Building, Washington 25, D. C.

News Briefs

The War Resisters' International, which coordinates the activities connected with the Prisoners for Peace Day on December 1 each year, estimates that 100,000 Christmas greetings were sent to conscientious objectors imprisoned at that time in many countries around the world.

* * *

Marvin Tamarkin, listed as one of the Prisoners for Peace, was released rather unexpectedly on December 18, on parole from the Federal Correctional Institution at Tallahassee, Florida. Even before leaving prison, he had received a flood of Christmas cards. Prison officials promised to forward the rest of the greetings to his home, but at least some were returned to the sender.

* * *

Through the International Fellowship of Reconciliation periodical "Christus Victor" we learn that French objectors to military service in Algeria are organizing in an attempt to provide mutual aid and to secure assistance from other sources. Many such objectors are scattered all throughout Europe, and especially in the countries bordering on France.

* * *

Selective Service will be called on in March to ready 6,000 men for induction into the Army. This is the same as for the month of February.

* * *

An 18-year-old Texan asked his local board, "Is this the place you sign up for the resurrection?"

* * *

The Methodist Board of World Peace adopted a resolution in November 1959 calling upon the government to recognize all sincere objectors, not just those who meet the religious test in the present draft law. The Board also called upon all colleges with required ROTC to provide exemption for conscientious objectors.

* * *

At Boston University Joseph Glynn is carrying on a vigorous campaign against ROTC. Glynn, a graduate student of philosophy, wrote a letter to the editor of the school paper and elicited a lengthy editorial. Also, he engaged in a bit of competition with the Air Force ROTC recruiting team in November, distributing anti-militarist flyers to students gathered at the AFROTC table. When students began walking away with Glynn's leaflets but not the Air Force's, the recruitment officer had to run after them and give them the "fact sheet." Glynn, now a Fellowship of Reconciliation member, earlier served 4 years in the U. S. Naval Air Service.

* * *

Lawrence Osborn, a Quaker CO who in 1954 was given a "Certificate of Loss of Nationality," early last December was able to return to the United States after a review board ruled he had not voluntarily expatriated himself by his failure to register for the draft. Osborn, in 1951, before his 18th birthday, migrated from the United States to Costa Rica and there refused to register for the draft. Later, when he felt it would not compromise his conscience to register, he he was not permitted to do so. Despite winning his case on citizenship, Osborn was issued a passport in Costa Rica valid only for return to the United States.

* * *

The location of the Mennonite forestry project was wrongly given in the December issue. The project is situated 35 miles east (not west) of Reedley, California. The post office address is Badger, California.

* * *

Two Ohio Amish men were sent to City Prison in Columbus, Ohio, by Judge Mell G. Underwood on February 2. They were given until February 15 to decide whether they want to report for civilian work or go to prison. Evidently both Eli J. Miller, 24, of Apple Creek and Levi L. Hershberger, 23, of Wooster were classified I-O but failed to report for civilian work at Columbus State Hospital.

* * *

Fourteen young German Mennonites have been recognized officially by German tribunals as conscientious objectors. A few other applications are pending. Alternative service opportunities are provided through EIRENE.

French Pastors Refuse Reserve Call

Several pastors of the French Reformed Church in October 1959 returned their military papers to authorities, indicating that they were no longer prepared to be called up as reservists, according to a report in "Christus Victor," organ of the International Fellowship of Reconciliation.

For this infringement of the French conscription law Pastor Rene Cruse, a French FOR member, received a suspended sentence of three months' imprisonment. He said in court, "I am here on trial for an offense which has its origin in the New Testament, for I am unable to preach peace, forgiveness and reconciliation and at the same time give the impression that I permit the army to call upon me to inflict death."

Two other ministers and a layman have been punished with one month's imprisonment (suspended sentence) for the same reason. A fourth minister recently was tried, but the sentence was not reported. Some, at least, have used the trials as the occasion to make a new plea for legislation which would recognize the conscientious objector.

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